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Attorneys for *Defendant* **OCWEN LOAN SERVICING, LLC**

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

MICHAEL WALSH, SHAUNA WALSH,  
Plaintiffs,

v.

OCWEN LOAN SERVICING, LLC,  
INDYMAC BANK, F.S.B. and DOES 1  
THROUGH 35 INCLUSIVE,

Defendants.

Case No.: 5:17-cv-00201-CJC-DTBx

Hon. Cormac J. Carney

**REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF DEFENDANT  
OCWEN LOAN SERVICING, LLC'S  
MOTION FOR JUDGMENT ON  
THE PLEADINGS**

*[Filed concurrently with Notice of  
Motion and Motion for Judgment on the  
Pleadings, and [Proposed] Order]*

**Hearing:**

**Date: May 22, 2017**  
**Time: 1:30 p.m.**  
**Ctrm : 9B**

State Court Case No. MCC1601077  
Action Filed: November 18, 2016  
Trial Date: NA

Pursuant to Rule 201(b) and Rule 201(d) of the Federal Rules of Evidence,  
*defendant* Ocwen Loan Servicing, LLC, by and through its counsel of record,  
respectfully requests that the Court take judicial notice of the records more  
particularly described below:

1 • Exhibit 1: Deed of Trust, recorded in the Official Records of the  
2 Riverside County Clerk and Recorder on June 16, 2005, as document number 2005-  
3 0477829.

4 • Exhibit 2: Corporate Assignment of Deed of Trust, recorded in the  
5 Official Records of the Riverside County Clerk and Recorder on September 13, 2016,  
6 as document number 2016-0396770.

7 • Exhibit 3: Summary of Recorded Documents from the Official Records  
8 of the Riverside County Clerk and Recorder for the real property located at 35958  
9 Bordeaux Place, Winchester, CA 92596 from January 1, 2013 through March 28,  
10 2017.

11 • Exhibit 4: Substitution of Trustee, recorded in the Official Records of  
12 the Riverside County Clerk and Recorder on January 11, 2017, as document number  
13 2017-0012457.

14 • Exhibit 5: Complaint filed in Riverside County Superior Court on  
15 November 18, 2016 in Case No. MCC1601077.

16 • Exhibit 6: Defendant Ocwen Loan Servicing, LLC's Answer to  
17 Plaintiffs' Complaint filed in Riverside County Superior Court on February 2, 2017 in  
18 Case No. MCC1601077.

19 • Exhibit 7: List of mortgage servicers that have foreclosed on more than  
20 175 residential real properties located in California during the applicable reporting  
21 period, as published by the California Department of Business Oversight, available at:  
22 [http://www.dbo.ca.gov/Laws\\_&\\_Regs/legislation/ca\\_foreclosure\\_reduction\\_act.asp](http://www.dbo.ca.gov/Laws_&_Regs/legislation/ca_foreclosure_reduction_act.asp)  
23

24 Federal Rule of Evidence 201 permits the Court to take judicial notice of  
25 adjudicative facts, which are "either (1) generally known within the territorial  
26 jurisdiction of the trial court or (2) capable of accurate and ready determination by  
27 resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid.  
28

201(b). Notably, the Court may take judicial notice of facts that are a matter of public record. See *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001); *Mack v. South Bay Beer Distrib.*, 798 F.2d 1279, 1282 (9th Cir. 1986) (overruled in part on other grounds by *Astoria Federal Sav. and Loan Ass'n v. Solimino*, 501 U.S. 104 (1991); *W. Fed. Sav. & Loan Ass'n v. Heflin Corp.*, 797 F.Supp. 790, 792 (N.D.Cal. 1992) (taking judicial notice of documents in a county's public record, including deeds of trust). Further, the Court may take judicial notice of government publications and reports. See e.g. *Garcia v. Astrue*, 500 F.Supp.2d 1239, 1240 (C.D. Cal. 2007); *Transmission Agency of N. California v. Sierra Pac. Power Co.*, 287 F.3d 771, 776, fn. 3 (9th Cir.); *Asg Indus., Inc. v. United States*, 467 F. Supp. 1187, 1195 (Cust. Ct.) rev'd, 610 F.2d 770 (C.C.P.A. 1979).

The Court may take judicial notice of the documents referenced herein because they are either matters of public record or a governmental publication or report.

DATED: April 17, 2017

**McGLINCHEY STAFFORD**

By: /s/ Adam S. Hamburg

ADAM HAMBURG

BRIAN A. PAINO

Attorneys for Defendant **OCWEN LOAN  
SERVICING, LLC**

**PROOF OF SERVICE**

**STATE OF CALIFORNIA     )**  
**COUNTY OF ORANGE     )**     **ss.**

I, Marina Hegel, declare:

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 18201 Von Karman Ave., Suite 350, Irvine, California 92612.

On April 17, 2017, I served the document(s) described as **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT OCWEN LOAN SERVICING, LLC'S MOTION FOR JUDGMENT ON THE PLEADINGS** as follows:

☒ **BY MAIL:** As follows:

☒ **FEDERAL** – I deposited such envelope in the U.S. mail at Irvine, California, with postage thereon fully prepaid,

☐ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I caused said document(s) to be served by means of this Court's Electronic transmission of the Notice of Electronic Filing through the Court's transmission facilities, to the parties and/or counsel who are registered CM/ECF users set forth in the service list obtained from this Court. Pursuant to Electronic Filing Court Order, I hereby certify that the above documents(s) was uploaded to the website and will be posted on the website by the close of the next business day and the webmaster will give e-mail notification to all parties.

☒ **FEDERAL:** I declare that I employed in the office of a member of the State Bar of this Court at whose direction the service was made.

Executed on April 17, 2017, at Irvine, California.

Marina Hegel  
Marina Hegel

